

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

CARLOS BOYLAND, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

Case No. 2:19-cv-02594

MID-SOUTH TRANSPORTATION
MANAGEMENT, INC.,

Defendant.

NOTICE OF LAWSUIT WITH OPPORTUNITY TO JOIN

TO: All Mid-South Transportation Management, Inc. bus operators (excluding paratransit operators) paid pursuant to the terms of the Collective Bargaining Agreement between Mid-South Transportation Management, Inc. and Amalgamated Transit Union Local 713 from [THREE YEARS PRIOR TO THE DATE NOTICE IS SENT] to the present.

I. INTRODUCTION

The purpose of this Notice is to inform you that an overtime lawsuit exists that you may join, to advise you of how your rights may be affected by this lawsuit, and to instruct you on the procedure for participating in this lawsuit, should you choose to do so.

On September 5, 2019, an action was filed against Mid-South Transportation Management, Inc. on behalf of the MTM bus operators, regular operators, extra board operators, board operators or individuals in similar positions (hereinafter “bus operators”) who worked for Mid-South Transportation Management, Inc. The lawsuit alleges that these individuals worked overtime hours but were not paid all of the overtime compensation they are owed in violation of the federal Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201, *et seq.*

Mid-South Transportation Management, Inc. denies Plaintiff’s allegations and claims that its employment practices are in compliance with the Fair Labor Standards Act.

The Court where the case is pending has not yet decided the merits of Plaintiff’s allegations or Mid-South Transportation Management, Inc.’s defenses.

II. YOUR RIGHT TO JOIN THIS CASE

The United States District Court for the Western District of Tennessee has authorized that this notice be sent to all persons who have potential claims, specifically all bus operators (excluding paratransit operators) who were paid pursuant to the terms in the Collective Bargaining Agreement between Mid-South Transportation Management, Inc. and Amalgamated Transit Union Local 713 at any time from [THREE YEARS PRIOR TO THE DATE NOTICE IS SENT] to the present.

If you fit the definition above, you are eligible to participate in the lawsuit.

You may join the lawsuit by mailing, emailing, or faxing the enclosed Plaintiff Consent Form to Plaintiff's Counsel for filing with the Court:

Donati Law, PLLC
Attn: Janelle Osowski
1545 Union Avenue
Memphis, Tennessee 38104

Phone: 901-278-1004
Fax: 901-278-3111
Email: janelle@donatilaw.com

The Plaintiff Consent Form must be postmarked on or before [DATE – 45 DAYS FROM MAILING] in order for you to participate.

III. EFFECT OF JOINING THIS CASE

If you join this lawsuit by filing a Plaintiff Consent Form, your interests will be represented by Plaintiff's Counsel, Donati Law, PLLC in Memphis, Tennessee. You also designate Plaintiff's Counsel to make decisions regarding the course of the lawsuit and any settlement discussions in connection with this lawsuit. You will also be bound by any ruling or judgment by the Court, whether favorable or unfavorable.

The attorneys have taken this case on a contingency fee basis. This means that they will only be paid if there is a monetary recovery through a settlement, judgment, or award in your favor. If there is a recovery, the attorneys will receive a part of any money judgment, award, or settlement obtained in your favor. You will not have to pay the attorneys out of your own pocket. The details will be fully outlined in a separate fee agreement with Plaintiff's Counsel that will be sent to you if you decide to join this case.

If you join the case, you may be required to participate in discovery in the case, including responding to written discovery requests (such as interrogatories, requests for admission, or document requests) or having your deposition taken. By returning the attached consent form, you agree to participate in such discovery.

IV. STATUTE OF LIMITATIONS

The FLSA has a maximum statute of limitations of three years. If you choose to join this lawsuit, or choose to bring your own action, you may be able to recover money damages if you were improperly denied overtime compensation during weeks in which you worked over 40 hours within three years prior to the date you file your “Plaintiff Consent Form.” If you choose not to join this action, or file your own action, some or all of your potential claims may later be barred by the statute of limitations.

V. NO RETALIATION PERMITTED

The law does not allow employers to retaliate against employees for participating in a lawsuit against them. Mid-South Transportation Management, Inc. is prohibited from retaliating against you in any manner because you choose to participate in this lawsuit. You must still perform your job duties and comply with any work directives or applicable policies.

THIS NOTICE AND ITS CONTENTS HAVE BEEN AUTHORIZED BY THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE. THE COURT HAS MADE NO DECISION ABOUT THE MERITS OF THE PLAINTIFF'S CLAIMS OR DEFENDANT'S DEFENSES.

PLAINTIFF CONSENT FORM

FLSA ACTION AGAINST MID-SOUTH TRANSPORTATION MANAGEMENT, INC.

1. I consent to make a claim under the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.*, against Mid-South Transportation Management, Inc. to recover overtime pay.
2. During the past three years, there were occasions when I worked over 40 hours per week as a bus operator and did not receive overtime compensation.
3. If this case does not proceed collectively, I also consent to join any subsequent action to assert claims against Mid-South Transportation Management, Inc.
4. I understand that I may withdraw my consent to proceed with my claims at any time by notifying the attorneys handling the matter.

Signature

Date

Print Name

No Information Included Below Will Be Filed With the Court
Please Print or Type Your Contact Information

Address (with apartment number if applicable)

Home Phone

City, State, Zip Code

Mobile Telephone

Email Address

**Return this form by
Fax, email, or mail to:**

**Donati Law, PLLC, Attn: Janelle Osowski
1545 Union Avenue, Memphis, TN 38104
Email: janelle@donatilaw.com Fax: 901-278-3111**